

BILL NO. Z-83-02-14

ZONING MAP ORDINANCE NO. Z-

²
Withdrawn

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated a B-1-B (Limited Business) and a B-3-B (General Business) District
under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana
of 1974:

LEGAL DESCRIPTION #1 - B-1-A to B-3-B

Commencing at the Northeast corner of Section 33, Township
31 North, Range 13 East, Allen County, Indiana; thence
south along the East line of Section 33 a distance of
1,229 feet to the point of beginning; thence North 89 degr.
24 min. 15 sec. West a distance of 289.48 feet to a point;
thence South 0 degr. 0 min. 0 sec. East along a line
parallel with the said East line a distance of 150 feet
to a point; thence South 90 degr. 0 min. 0 sec. East a
distance of 289.48 feet to a point on the East line of
said Section 33; thence North 0 degr. 0 min. 0 sec. East
along the said East line a distance of 150 feet to the
point of beginning containing 1.0 acres.

LEGAL DESCRIPTION #2 - RA & B-1-A to B-1-B

Commencing at the Northeast corner of Section 33, Township
31 North, Range 13 East, Allen County, Indiana; thence South
along the East line of Section 33 a distance of 1,229 feet to
a point; thence North 89 degr. 24 min. 15 sec. West a distance
of 289.48 feet to the point of beginning; thence North 26 degr.
40 min. 40 sec. West a distance of 75.36 feet to the South line
of Lot 5 within the Hollows Addition; thence South 63 degr.
19 min. 20 sec. West a distance of 145 feet to a point; thence
North 89 degr. 13 min. 00 sec. West a distance of 30 feet to a
point on the South line of Lot 8 in "The Hollows" Addition;
thence South 0 degr. 0 min. 0 sec. East a distance of
400 feet to a point; thence North 88 degr. 02 min. 0 sec.
East a distance of 490 feet to a point on the East line of
said Section 33; thence North 0 degr. 0 min. 0 sec. East along
the said East line a distance of 228 feet to a point; thence
North 90 degr. 00 min. 0 sec. West a distance of 289.48 feet
to a point; thence North 0 degr. 00 min. 0 sec. West a distance
of 150 feet to the point of beginning, containing 3.45 acres;

and the symbols of the City of Fort Wayne Zoning Map No. U-18, as established
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

~~COUNCILMEMBER~~

APPROVED AS TO FORM AND LEGALITY

BRUCE O. BOXBERGER, CITY ATTORNEY

. Read the first time in full and on motion by Stier,
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-8-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

THIS IS TO BE FILED IN DUPLICATE

DATE FILED

INTENDED USE

/We Trans Am Development Corp.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an R-3, B1 A District to a/an B1 B
District the property described as follows:

See attached description

Legal Description) If additional space is needed, use reverse side.

General Description for Planning Staff Use Only)

/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

Trans Am Development Corp.

6700 E. State Blvd.

By Joseph L. Zehr, Pres.

Fort Wayne, IN 46815

(Name)

(Address)

(Signature)

If additional space is needed, use reverse side.)

Legal Description checked by

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the
ordinance be taken under advisement shall be filed in writing and be submitted
to the City Plan Commission prior to the legal notice pertaining to the ordinance
being sent to the newspaper for legal publication. If the request for deferral,
continuance or request that ordinances be taken under advisement is received
prior to the publication of the legal ad being published the head of the Plan
Commission staff shall not put the matter on the agenda for the meeting at which
it was to be considered. The Plan Commission staff will not accept request
from petitioners for deferrals, continuances, withdrawals, or requests that an
ordinance be taken under advisement, after the legal notice of said ordinance
is forwarded to the newspaper for legal publication but shall schedule the matter
for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Orrin R. Sessions
(Name)

6700 East State Blvd., Fort Wayne, 749-0425
(Address & Zip Code) IN 46815 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing
approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION #1 - B1A to B3B

Commencing at the Northeast corner of Section 33, Township 31 North, Range 13 East, Allen County, Indiana; thence South along the East line of Section 33 a distance of 1,229 feet to the point of beginning; thence North 89 degrees 24 minutes 15 seconds West a distance of 289.48 feet to a point; thence South 0 degrees 0 minutes 0 seconds East along a line parallel with the said East line a distance of 150 feet to a point; thence South 90 degrees 0 minutes 0 seconds East a distance of 289.48 feet to a point on the East line of said Section 33; thence North 0 degrees 0 minutes 0 seconds East along the said East line a distance of 150 feet to the point of beginning containing 1.0 acres.

LEGAL DESCRIPTION #2 - B1A to B1B *RA#*

Commencing at the Northeast corner of Section 33, Township 31 North, Range 13 East, Allen County, Indiana; thence South along the East line of Section 33 a distance of 1,229 feet to a point; thence North 89 degrees 24 minutes 15 seconds West a distance of 289.48 feet to the point of beginning; thence North 26 degrees 40 minutes 40 seconds West a distance of 75.36 feet to the South line of Lot 5 within the Hollows Addition; thence South 63 degrees 19 minutes 20 seconds West a distance of 145 feet to a point; thence North 89 degrees 13 minutes 00 seconds West a distance of 30 feet to a point on the South line of Lot 8 in "The Hollows" Addition; thence South 0 degrees 0 minutes 0 seconds East a distance of 400 feet to a point; thence North 88 degrees 02 minutes 0 seconds East a distance of 490 feet to a point on the East line of said Section 33; thence North 0 degrees 0 minutes 0 seconds East along the said East line a distance of 228 feet to a point; thence North 90 degrees 00 minutes 0 seconds West a distance of 289.48 feet to a point; thence North 0 degrees 00 minutes 0 seconds West a distance of 150 feet to the point of beginning, containing 3.45 acres.

BILL NO. Z-83-02-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE WITHDRAWN PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

In the
Janet G. Bradbury
Victoria L. Scruggs
Mark E. Giaquinta
R. J. Schomburg

3-22-83
CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

RECOMMENDATION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 14, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Facts".

(1) the grant will be injurious to the public health, safety, morals, and welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the conditions is not due to the general conditions of the neighborhood;

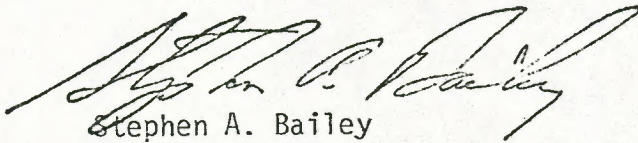
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1983.

Certified and signed this
1st day of March, 1983.



Stephen A. Bailey
Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 8141

FT. WAYNE, IND., 1-13 1982

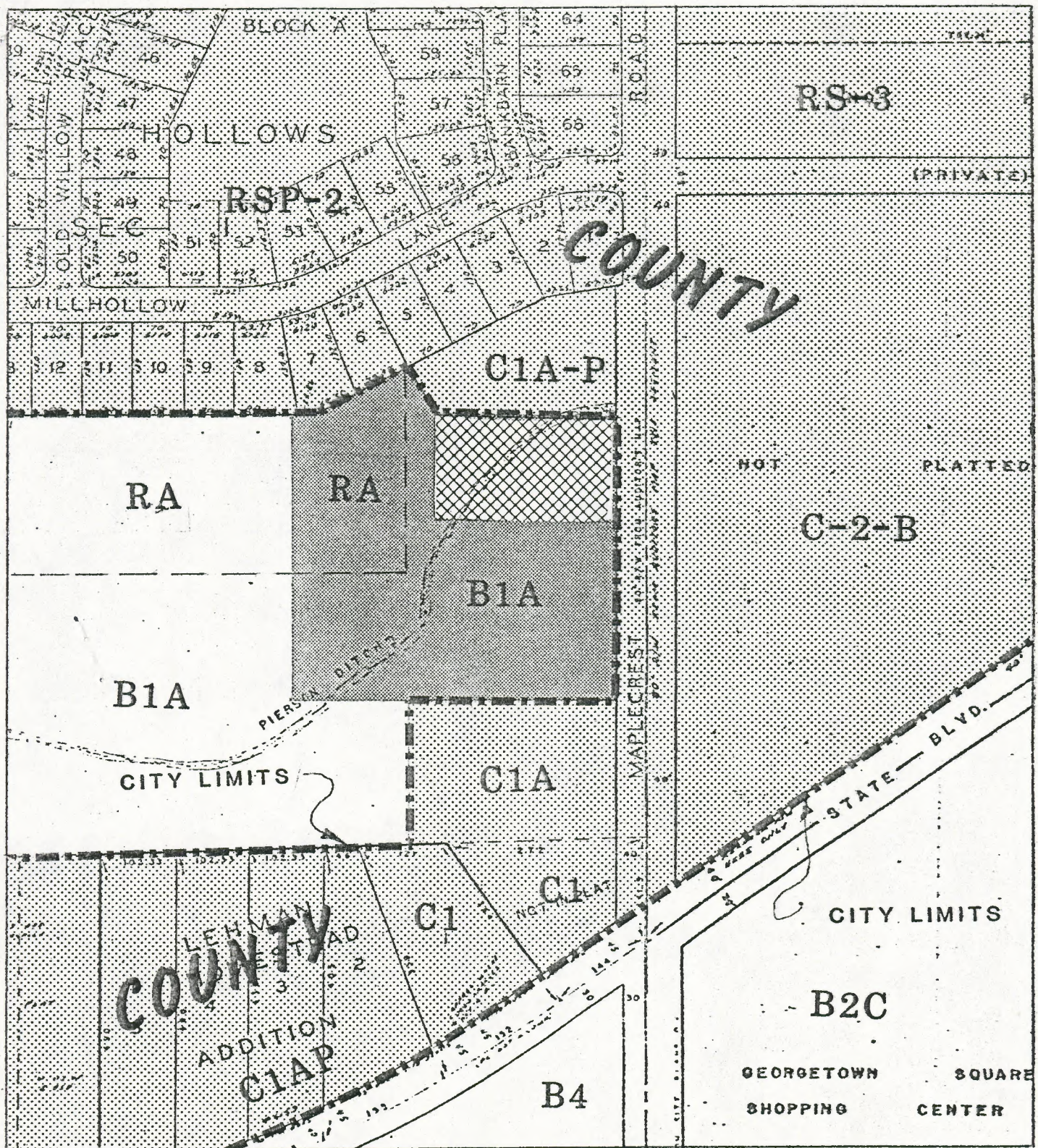
RECEIVED FROM Trans Am Rental Co. \$ 50.00


THE SUM OF Fifty ¹⁰⁰ DOLLARS


ON ACCOUNT OF Freight

R-37614 to B-1-B

AUTHORIZED SIGNATURE



 REQUEST TO CHANGE FROM
RA & B1A TO B1B ZONING

 REQUEST TO CHANGE FROM
B1A TO B3B ZONING

N



North Eastern

6700 EAST STATE BOULEVARD 0 FORT WAYNE, INDIANA 46815 0 PHONE (219) 749-0425

March 7, 1983

Mr. Jimmy Stier
Fort Wayne City Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Stier,

This letter respectfully requests that Bill No. 2 83-02-14 be withdrawn from consideration by the Fort Wayne City Council. The reason for the withdrawal of this Bill is that a new business has been found that will use the site in conformance with the desires of the surrounding neighborhood. A new zoning petition therefore will be presented to the Fort Wayne City Plan Commission for their consideration at the May 16, 1983 public hearing.

Your cooperation is most greatly appreciated.

Sincerely,

Trans Am Development Corporation

Orrin R. Sessions

ORS/caf



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held February 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-02-14
2. From RA & B-1-A to B-1-B & B-3-B
3. Intended Use: Church's Chicken Restaurant & Martial Arts School
4. Plan Commission Recommendation: DO NOT PASS

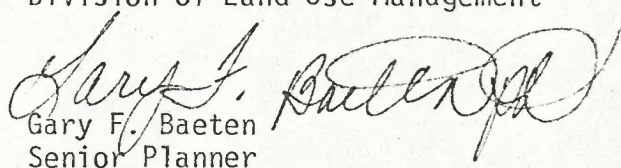
This ordinance received a DO NOT PASS recommendation for the following reason:

REASON: The use or value of the surrounding property will be adversely affected by this zoning change by establishing a precedent of commercial zoning in a predominantly residential area.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Land Use Management


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

DIGEST SHEET

Admn. Appr. _____

6179

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use-Management - CD&P

SYNOPSIS OF ORDINANCE A 4.45 acre tract of land located immediately west of
Maplecrest Road and lying approximately 300 feet \pm north of East State Blvd.

3-83-02-14

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential and B-1-A -
Limited Business. Property will become B-1-B - Limited Business (The B-1-B classificatio
allow for a wider range of business uses) and B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain RA and B-1-A.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____